IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.210 OF 2005
IN
SUMMARY SUIT NO.319 OF 2005

Varghese George ..Plaintiff

Vs.

Union of India and Ors. ..Defendants

Mr.J.P.Sen i/b Mr.A.G.Shah for the plaintiff

Ms.S.I.Shah with Ms.Jyotsna Pandhi i/b S.S.Sarkar for the defendants

CORAM : S.U.KAMDAR, J
DATED : 16TH JANUARY, 2006

P.C.:

1. The present suit is filed for the recovery of sum of Rs.3 lacs. The claim arises out of Kisan Vikas Patra issued by the defendant no.1 to the plaintiff. Though the principal amount has been paid by defendant no.1 interest claim which was payable on maturity has been withheld. The only ground on which payment is not made was plaintiff has wrongfully applied for Kisan Vikas Patra in the name of sole proprietorship firm where by amendment to notification it was provided that Kisan Vikas Patra cannot be issued to the name of Sole Proprietorship concern and that the plaintiff

himself should apply in his own individual name. Money was withheld and ultimately writ petition was filed being writ petition no.1683 of 2003 when principal amount was released by order dt.25.8.03 passed by the Division Bench of this court.

2. In so far as claim of balance amount is concerned plaintiff was relegated to the remedy of filing a suit. The present suit is accordingly filed for recovery of the interest amount of Rs.3,00,000/- The issue which has been raised as defence by the defendant is already concluded against defendant in the case of Romeo Sam Arambhan Vs. Union of India through Ministry of Communications & Information Technology & Ors reported in 2003(5) Bom C.R. 457 in which Division Bench has held that Union of India is liable to make payment of interest amount which was purchased in the name of sole proprietorship concern in place of individual name of sole proprietorship. In the light of the aforesaid Judgment of the Division Bench, the defence raised has totally no merits and accordingly leave to defend is refused. There shall be decree in favour of the plaintiff and

against the defendant for the sum of Rs.3.0 lacs and further interest thereon @ 9% p.a. from the date of the suit till payment and/or realisation. Suit is decreed accordingly. Suit is disposed of. Refund of court fee as per rules. No order as to costs.